



STATE OF ILLINOIS

POLLUTION CONTROL BOARD

309 WEST WASHINGTON STREET SUITE 300

CHICAGO, ILLINOIS 60606

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JACOB D. DUMELLE, CHAIRMAN
DONALD A. HENSE
Philip Zeitlin
RUSSELL T. ODELL
Irvin C. Goodman

DATE: August 12, 1975

Mr. Kenneth J. Gumbiner
Pedersen & Hought
180 N. LaSalle Street
Chicago, Illinois 60601

PCB75-146

ENVIRONMENTAL PROTECTION AGENCY

v.

Mr. Fred D. Bennitt
Box 33
Channahon, Illinois

WASTE MANAGEMENT OF ILLINOIS, INC.
and BENJAMIN A. BENNITT and
HELEN S. BENNITT

Mr. Paul D. Fischer
Crane & Kravets
100 W. Monroe Street
Chicago, Illinois 60603

*Will Co / LPC
Rockdale / Banne*

EPA Region 5 Records Ctr.



293076

Enclosed please find a certified copy of the OPINION AND ORDER
of the Board adopted on August 7, 1975 in the above entitled matter.

Very truly yours,

Christian L. Moffett
Christian L. Moffett
Clerk of the Board

cc: Mr. Jeffrey R. Diver, Illinois Environmental Protection Agency (6)
Attorney General William Scott, Environmental Control Divisions

ILLINOIS POLLUTION CONTROL BOARD
August 7, 1975

ENVIRONMENTAL PROTECTION AGENCY,
Complainant,

v.

WASTE MANAGEMENT OF ILLINOIS, INC.:
and BENJAMIN A. BENNITT and
HELEN S. BENNITT,
Respondents.

PCB 75-146

OPINION AND ORDER OF THE BOARD (By Mr. Zeitlin):

The Complaint, filed by the Attorney General for the Environmental Protection Agency (Agency) on April 2, 1975, alleges that Respondents have failed to provide final cover to a sanitary landfill in violation of Rule 305(c) of Chapter 7: Solid Waste, of the Pollution Control Board (Board) Rules and Regulations, and therefore have violated Section 21(b) of the Environmental Protection Act (Act). On May 12, 1975, the Attorney General filed an Amended Complaint.

Respondent Waste Management of Illinois (Waste Management) operates a sanitary landfill site located in Section 24, Township 35 North, Range 10, East of the Third Principal Meridian, in Will County, Illinois. Respondents Benjamin A. Bennitt and Helen S. Bennitt are the record owners of the property upon which the sanitary landfill is operated.

Rule 305(c) requires that a compacted layer of not less than two feet of suitable material be placed over the entire surface of each portion of the final lift not later than 60 days following the placement of refuse in the final lift. Respondent Waste Management, on October 30, 1973, ceased operating the site as a sanitary landfill and had not commenced final cover on December 30, 1973. Respondent Waste Management alleges that it was unable to apply such final cover due to the lack of suitable cover material which could be obtained at an economically reasonable cost. A source of suitable cover material has now been found and is presently being applied to the site.

A hearing was held in Joliet, Illinois, on June 24, 1975, at which the Agency and Respondent Waste Management introduced a Stipulation and Proposed Settlement (Stipulation). The Stipulation provides that Respondent Waste Management shall pay a \$2000 civil penalty for the violations described and shall complete final cover within nine months of the Stipulation date (June 24, 1975). These factors allow the Board to accept the Stipulation which will serve to further the purposes of the Act and the regulatory nature of the Board's Solid Waste Rules.

Insofar as no proof has been entered on their responsibility for the above violations, the Board shall dismiss Respondents Benjamin A. Bennitt and Helen S. Bennitt.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the order of the Pollution Control Board that:

1. Respondent Waste Management of Illinois, Inc. is found to have violated Rule 305(c) of Chapter 7 of the Board's Solid Waste Rules and Regulations, and of Section 21(b) of the Environmental Protection Act.
2. Respondent, Waste Management of Illinois, Inc., shall pay as a penalty for such violations the sum of \$2000, payment to be made by certified check or money order within 35 days of the date of this Order to:

State of Illinois
Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

3. Respondent Waste Management of Illinois, Inc. shall submit monthly progress reports on final cover operations to the Environmental Protection Agency; such reports to indicate the volume of cover placed during the preceding month, which shall be at least one-ninth of the total required.

Check with Springfield.

4. That portion of the Complaint, as Amended, alleging Benjamin A. Bennitt and Helen S. Bennitt as Respondents, is dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 7th day of August, 1975 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board